REMARKS

The present response is submitted in response to the Office Action of August 8, 2005. The Applicant respectfully requests that the Examiner enter the submitted amendments and discussions before reconsideration of the present Application and allow the claims as amended herein.

Claim 10 is objected because of informalities noted in the official action. In response, the subject matter of claim 10 is suitably revised and rewritten as new claim 18. The Applicant respectfully requests that the Examiner reconsider and withdraw the raised objection.

Claims 10-16 are the rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The subject matter of the rejected claims is accordingly revised and rewritten as new claims 18-24. All of the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejections and are not directed at distinguishing the present invention from the art of record in this case.

Next, claims 9-16 (now claims 17-24) are rejected, under 35 U.S.C. § 102(b), as being anticipated by Evans et al. '520. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

According to the present invention, the system determines a driving pedal position and selector lever position and controls the driving speed and the speed of the auxiliary drive to control vehicle speed while also providing sufficient power to the working hydraulic system. The presently claimed invention, as recited in new independent claims 17, 18 and 24, recites the features of when the drive engine (1) is operating at maximum power, the clutch (2) is engaged and the selector lever (8) is then actuated, the clutch (2) is actuated in a disengaging direction and the drive engine (1) is regulated so that the auxiliary drive (6) reaches a defined

speed and a driving speed of the propulsion drive is reduced as the driving resistance increases.

Now turning to the applied reference of Evans et al. `520, this reference relates to a drive train speed control system using the impeller pedal as one input and the impeller clutch and machine brakes as the two control actuators, as described in column 3, lines 45-47. The essence of Evans et al. `520 is to control only the ground speed of the machine in proportion to the angle of depression of the impeller pedal, as described in column 3, line 50 to column 4, line 5. Therefore, it is respectfully submitted that Evans et al. `520 in no way teaches a system controlling the propulsion drive speed *while also controlling the speed of auxiliary drive*, much less does Evans et al. `520 teach a system for controlling the auxiliary drive speed and the driving speed when the drive engine is operating at maximum power.

While Evans et al. `520 may arguably disclose some of the elements of the claimed invention, there are however important and fundamental differences between the teachings of Evans et al. `520 and the currently claimed invention. Evans et al. `520 shows, in Fig 1, an engine 104 driving a shaft 105 being connected to the transmission 114 via either a hydraulic torque converter 106 or directly via a lockup clutch 118. The drive from the engine 104 through the hydraulic torque converter 106 to the transmission 114 is controlled by an impeller clutch 116. The impeller clutch 116 and the lock up clutch 118 are each respectively controlled by valves 120 and 122. These valves 120 and 122 are each controlled by an electronic control 126. The electronic control 126, through these valves 120 and 122, is able to control the drive from the engine 104 to the transmission 114. For direct drive between the engine 104 and the transmission 114, the lockup clutch 118 is engaged. If a drive less than the output drive currently provided by the engine 104 is desired, the lockup clutch 118 will disengage and the impeller clutch 116 will engage which, in turn, engages the impeller element 108 of the torque converter 106 to alter the torque or drive to the transmission 114.

In essence, Evans et al. `520 teaches controlling the operation of a drive line only between the engine and the transmission. Evans et al. `520 in no way teaches the features that are recited in the currently pending claims, namely, the drive engine (1) provides power or drive to a transmission (5) via a torque converter and also to an auxiliary drive (6) for a working hydraulic system, as presently recited.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, independent claim 17 recites the features of "[a] drive train for a mobile vehicle comprising:. . .a drive engine (1) for driving both a shiftable step-down transmission (5), for driving a propulsion drive, and an auxiliary drive (6), for driving a hydraulic pump (7) of a working hydraulic system; a hydrodynamic torque converter coupling the drive engine (1) to the shiftable step-down transmission (5) and a converter bridging clutch (2) releasably coupling a pump impeller (3) of the hydrodynamic torque converter to the drive engine (1). . .", while independent claim 18 recites the features of "[a] method for controlling a drive train of a mobile vehicle having a drive engine (1) driving both a shiftable step-down transmission (5), via a hydrodynamic torque converter, and an auxiliary drive (6), for powering a hydraulic pump (7) for a working hydraulic system, and a converter bridging clutch (2) releaseably engages a pump impeller (3) of the hydrodynamic torque converter with the drive engine (1) for driving a propulsion drive". All of the presently claimed features are now believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art. In view of the above discussed claimed features, the control arrangement and the method of the presently claimed invention are both fundamental different and distinct from the prior art teachings of Evans et al. `520.

New independent claim 24 parallels the subject matter of claim 18 but further recites the feature of the drive engine (1) *directly driving* an auxiliary drive (6). Such feature is believed to further distinguish the presently claimed invention from the applied art of Evans et al. `520.

It is, therefore, apparent in view of the foregoing that the present invention is fully and fundamentally distinguished over and from the teachings of Evans et al. '520 under the requirement and provisions of 35 U.S.C. § 102 (b). For the reasons discussed above, it is the belief and position of the Applicant that the present invention, as recited in the claims 17, 18 and 24, are fully and patentably distinguished over and from the teachings of Evans et al. '520 under the requirements and provisions of both 35 U.S.C. § 102 (b) and 103, and that dependent claims 19-23 are, likewise, patentably distinguished over and from Evans et al. '520 under 35 U.S.C. § 102 (b) and/or 103 for the same reasons.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Evans et al. '520 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

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